

DOCKET NO.: 270573US0PCT



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Kenji SUZUKI, et al.

SERIAL NO: 10/531,990

GROUP: 1711

FILED: April 20, 2005

EXAMINER:

FOR: POLYOLEFIN-BASED RESIN COMPOSITION AND USE THEREOF

LETTER

Mail Stop DD
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith is a Chinese Office Action with English translation for the Examiner's consideration. The reference cited therein has been previously filed on April 20, 2005.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon

Customer Number

22850

Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 03/06)

Fred L. Braun
Registration No. 56,123

Patent Office of the People's Republic of China

Address : Receiving Section of the Chinese Patent Office, No. 6 Tucheng Road West, Haidian District, Beijing, Postal code: 100088

Applicant	KURARAY CO. LTD.			Seal of Examiner	Date of Issue
Agent	China Patent Agent (H.K.) Ltd.				July 28, 2006
Patent Application No.	200380107258.1	Application Date	October 20, 2003	Exam Dept.	
Title of Invention	POLYOLEFIN RESIN COMPOSITION AND USE THEREOF				

First Office Action

(PCT application entering into the national phase)

1. ☒ Under the provision of Art. 35, para. 1 of the Patent Law, the examiner has made an examination as to substance of the captioned patent application for invention upon the request for substantive examination filed by the applicant on_____.
- ☐ Under the provision of Art. 35, para. 2 of the Patent Law, the Chinese Patent Office has decided to conduct an examination of the captioned patent application for invention on its own initiative.
2. ☒ The applicant requests that
the filing date October 22, 2002 at the JP Patent Office be taken as the priority date of the present application,
the filing date _____ at the _____ Patent Office be taken as the priority date of the present application,
the filing date _____ at the _____ Patent Office be taken as the priority date of the present application.
3. ☐ The following amended documents submitted by the applicant cannot be accepted for failure to conform with Art. 33 of the Patent Law:
 - ☐ the Chinese version of the annex to the international preliminary examination report.
 - ☐ the Chinese version of the amended documents submitted according to the provision of Art. 19 of the Patent Cooperation Treaty.
 - ☐ the amended documents submitted according to the provision of Art. 28 or Art. 41 of the Patent Cooperation Treaty.

☐ the amended documents submitted according to the provision of Rule 51 of the Implementing Regulations of the Patent Law.

See the text portion of this Office Action for detailed reasons why the amendment cannot be accepted.

4. ☒ Examination is conducted on the Chinese version of the initially-submitted international application.

☐ Examination is conducted on the following document(s):

☐ page _____ of the description, based on the Chinese version of the initially-submitted international application documents;

page _____ of the description, based on the Chinese version of the annex to the international preliminary examination report;

page _____ of the description, based on the amended documents submitted according to the provision of Art. 28 or Art. 41 of the Patent Cooperation Treaty;

page _____ of the description, based on the amended documents submitted according to the provision of Rule 51 of the Implementing Regulations of the Patent Law.

☐ claim(s) _____, based on the Chinese version of the initially-submitted international application documents;

claim(s) _____, based on the Chinese version of the amended documents submitted according to the provision of Art. 19 of the Patent Cooperation Treaty;

claim(s) _____, based on the Chinese version of the annex to the international preliminary examination report;

claim(s) _____, based on the amended documents submitted according to the provision of Art. 28 or Art. 41 of the Patent Cooperation Treaty;

claim(s) _____, based on the amended documents submitted according to the provision of Rule 51 of the Implementing Regulations of the Patent Law.

☐ Fig(s) _____, based on the Chinese version of the initially-submitted international application documents;

Fig(s) _____, based on the Chinese version of the annex to the international preliminary examination report;

Fig(s) _____, based on the amended documents submitted according to the provision of Art. 28 or Art. 41 of the Patent Cooperation Treaty;

Fig(s) _____, based on the amended documents submitted according to the provision of Rule 51 of the Implementing Regulations of the Patent Law.

5. ☒ The following reference document(s) is/are cited in this Office Action (its/their serial

number(s) will continue to be used in the subsequent course of examination):

Serial No.	Number or Title(s) of Document(s)	Date of Publication (or filing date of interfering application) <i>Filed</i>
1	JP11060835A	March 5, 1999 <i>4/20/05</i>

6. Concluding comments on the examination:

☐ On the description:

- ☐ What is stated in the application comes within the scope of that no patent right shall be granted as prescribed in Art. 5 of the Patent Law.
- ☐ The description is not in conformity with the provision of Art. 26, para. 3 of the Patent Law.
- ☐ The description is not in conformity with the provision of Art. 33 of the Patent Law.
- ☐ The drafting of description is not in conformity with the provision of Rule 18 of the Implementing Regulations.

☒ On the claims:

- ☐ Claim(s) _____ come(s) within the scope of that no patent right shall be granted as prescribed in Art. 25 of the Patent Law.
- ☒ Claim(s) 1-3, 5, 6 has/have no novelty as prescribed in Art. 22, para. 2 of the Patent Law.
- ☒ Claim(s) 4 has/have no inventiveness as prescribed in Art. 22, para. 3 of the Patent Law.
- ☐ Claim(s) _____ has/have no practical applicability as prescribed in Art. 22, para. 4 of the Patent Law.
- ☒ Claim(s) 2 is/are not in conformity with the provision of Art. 26, para. 4 of the Patent Law.
- ☐ Claim(s) _____ is/are not in conformity with the provision of Art. 31, para. 1 of the Patent Law.
- ☐ Claim(s) _____ is/are not in conformity with the provisions of Rule 20 of the Implementing Regulations.
- ☐ Claim(s) _____ is/are not in conformity with the provision of Art. 9 of the Patent Law.
- ☐ Claim(s) _____ is/are not in conformity with the provision of Rule 23 of the Implementing Regulations.

See the text portion of this Office Action for detailed analysis of the above concluding comments.

7. Based on the above concluding comments, the examiner deems that

- ☐ the applicant should make amendment to the application document(s) according to the requirements put forward in the text portion of this Office Action.
- ☒ the applicant should expound in his/its observations why the captioned patent application is patentable and make amendment to what is not in conformity with the provisions pointed out in the text portion of this Office Action, otherwise, no patent right shall be granted.
- ☐ the patent application contains no substantive content(s) for which a patent right may be granted, if the applicant has no sufficient reason(s) to state or his/its stated reason(s) is/are not sufficient, said application will be rejected.

8. The applicant should note the following items:

- (1) Under Art. 37 of the Patent Law, the applicant should submit his/its observations within **four** months from the date of receipt of this Office Action; if, without any justified reason(s), the time limit for making written response is not met, said application shall be deemed to have been withdrawn.
- (2) The amendment made by the applicant to said application should be in conformity with the provision of Art. 33 of the Patent Law, the amended text should be in duplicate and its form should conform with the related provisions of the Guide to Examination.
- (3) If no arrangement is made in advance, the applicant and/or the agent shall not come to the Chinese Patent Office to have an interview with the examiner.
- (4) The observations and/or amended text should be sent to the Receiving Section of the Chinese Patent Office by mail or by personal delivery, if not sent to the Receiving Section by mail or by personal delivery, the document(s) will have no legal effect.**

9. This Office Action consists of the text portion totalling 2 page(s) and of the following attachment(s):

- ☐ copy(copies) of the reference document(s) totalling page(s).

中华人民共和国国家知识产权局

邮政编码: 100032

北京市西城区金融街 27 号投资广场 B 座 19 层

中国专利代理(香港)有限公司

郭煜 庞立志



(无审查业务专用章
不具备法律效力)

申请号: 038A7258.1

部门及通知书类型: 8-D

发文日期:

申请人:

可乐丽股份有限公司

发明名称:

聚烯烃系树脂组合物及其用途



第一次审查意见通知书

(进入国家阶段的 PCT 申请)

0561191P

1. ☒ 申请人提出了实审请求, 根据专利法第 35 条第 1 款的规定, 审查员对上述发明专利申请进行实质审查。

☐ 根据专利法第 35 条第 2 款的规定, 国家知识产权局决定自行对上述发明专利申请进行审查。

2. ☒ 申请人要求以在:

JP 专利局的申请日 2002 年 10 月 22 日 为优先权日,

专利局的申请日 为优先权日,

专利局的申请日 为优先权日,

12 DEC 2006

3. ☐ 申请人提交的下列修改文件不符合专利法第 33 条的规定, 因而不能接受:

☐ 国际初步审查报告附件的中文译文。

☐ 依据专利合作条约第 19 条规定所提交的修改文件的中文译文。

☐ 依据专利合作条约第 28 条或 41 条规定所提交的修改文件。

☐ 依据专利法实施细则第 51 条规定所提交的修改文件。

修改不能被接受的具体理由见通知书正文部分。

4. ☒ 审查是针对原始提交的国际申请的中文译文进行的。

☐ 审查是针对下述申请文件进行的:

说明书 第____页, 按照原始提交的国际申请文件的中文译文;

第____页, 按照国际初步审查报告附件的中文译文;

第____页, 按照依据专利合作条约第 28 条或 41 条规定所提交的修改文件;

第____页, 按照依据专利法实施细则第 51 条规定所提交的修改文件。

权利要求 第____项, 按照原始提交的国际申请文件的中文译文;

第____项, 按照依据专利合作条约第 19 条规定所提交的修改文件的中文译文。

第____项, 按照国际初步审查报告附件的中文译文;

第____项, 按照依据专利合作条约第 28 条或 41 条所提交的修改文件;

第____项, 按照依据专利法实施细则第 51 条规定所提交的修改文件。

附图 第____页, 按照原始提出的国际申请文件的中文译文;

第____页, 按照国际初步审查报告附件的中文译文;

第____页, 按照依据专利合作条约第 28 条或 41 条所提交的修改文件;

第____页, 按照依据专利法实施细则第 51 条规定所提交的修改文件。



回函请寄: 100088 北京市海淀区蓟门桥西土城路 6 号 国家知识产权局专利局受理处收

2201-1 99.1

(注: 凡寄给审查员个人的信函不具有法律效力)

5. ☒ 本通知书引用下述对比文献 (其编号在今后的审查过程中继续沿用) :

编号	文件号或名称	公开日期 (或抵触申请的申请日)
1	JP11060835A	1999 年 3 月 5 日
2		___ 年 ___ 月 ___ 日
3		___ 年 ___ 月 ___ 日
4		___ 年 ___ 月 ___ 日

6. 审查的结论性意见:

☐ 关于说明书:

- ☐ 申请的内容属于专利法第 5 条规定的不授予专利权的范围。
☐ 说明书不符合专利法第 26 条第 3 款的规定。
☐ 说明书不符合专利法第 18 条的规定。
☐

☒ 关于权利要求书:

- ☐ 权利要求___属于专利法第 25 条规定的不授予专利权的范围。
☒ 权利要求1-3, 5, 6不具备专利法第 22 条第 2 款规定的新颖性。
☒ 权利要求4不具备专利法第 22 条第 3 款规定的创造性。
☐ 权利要求___不具备专利法第 22 条第 4 款规定的实用性。
☒ 权利要求2不符合专利法第 26 条第 4 款的规定。
☐ 权利要求___不符合专利法第 31 条第 1 款的规定。
☐ 权利要求___不符合专利法实施细则第 20 条至第 23 条的规定。
☐ 权利要求___不符合专利法第 9 条的规定。
☐ 权利要求___不符合专利法实施细则第 13 条第 1 款的规定。
☐

上述结论性意见的具体分析见本通知书的正文部分。

7. 基于上述结论性意见, 审查员认为:

- ☐ 申请人应按照通知书正文部分提出的要求, 对申请文件进行修改。
☒ 申请人应在意见陈述书中论述其专利申请可以被授予专利权的理由, 并对通知书正文部分中指出的不符合规定之处进行修改, 否则将不能授予专利权。
☐ 专利申请中没有可以被授予专利权的实质性内容, 如果申请人没有陈述理由或者陈述理由不充分, 其申请将被驳回。
☐

8. 申请人应注意下述事项:

- (1) 根据专利法第 37 条的规定, 申请人应在收到本通知书之日起的 肆 个月内陈述意见, 如果申请人无正当理由逾期不答复, 其申请将被视为撤回。
(2) 申请人对其申请的修改应符合专利法第 33 条的规定, 修改文本应一式两份, 其格式应符合审查指南的有关规定。
(3) 申请人的意见陈述书和/或修改文本应邮寄或递交给中国专利局受理处, 凡未邮寄或递交给受理处的文件不具备法律效力。
(4) 未经预约, 申请人和/或代理人不得前来中国专利局与审查员举行会晤。

9. 本通知书正文部分共有2页, 并附有下列附件:

- ☐ 引用的对比文件的复印件共___份___页。
☐

BEST AVAILABLE COPY

第一次审查意见通知书正文

1. 权利要求 1 相对于对比文件 1(JP11060835A)不具有新颖性, 不符合专利法第二十二条二款的规定:

对比文件 1 公开了一种丙烯树脂组合物, 该组合物包括 1-30wt%可交联的嵌段共聚物, 该嵌段共聚物包括芳族乙烯基聚合物嵌段(A), 1, 2-键单元含量为至少 65mol. %和氢化程度为至少 90 mol. %的氢化共轭二烯烃嵌段或芳族乙烯无规共聚物嵌段(B)和包括芳族乙烯基化合物和共轭二烯烃的渐变嵌段(C), 是氢化的和具有逐渐增加的芳族乙烯基含量, 是 A-B, A-B-A 或 A-B-C 类型和共轭二烯烃含量为 50-97 wt. %, 该共聚物可以由活性能量射线交联, 并具体公开了可用的活性能量射线如电子射线, 并描述了可以由该组合物得到的成形制品, 故权利要求 1 相对于对比文件 1 不具有新颖性, 不符合专利法第二十二条二款的规定。

2. 同上所述, 权利要求 2, 3 进一步限定的技术特征也由对比文件 1 所公开, 故相对于对比文件 1 不具有新颖性, 不符合专利法第二十二条二款的规定。

3. 权利要求 5 和 6 涉及由权利要求 1 的组合物得到的成形产品, 这样的成形产品也在对比文件 1 中所公开, 故相对于对比文件 1 不具有新颖性, 不符合专利法第二十二条二款的规定。

4. 权利要求 4 进一步限定的技术特征是组合物还含有光聚合

引发剂，在使用活性能量射线如紫外线交联时加入光聚合引发剂是本领域技术人员想象得到的，是显而易见的，故权利要求 4 相对于对比文件 1 不具有创造性，不符合专利法第二十二条三款的规定。

5. 权利要求 2 得不到说明书的支持，不符合专利法第 26 条第 4 款的规定。权利要求 2 中出现的描述“来自至少一个碳原子数 1-8 的烷基的合在苯环上的烷基苯乙烯”与说明书第 3 页的描述“来自至少一个碳原子数 1-8 的烷基结合在苯环上的烷基苯乙烯”不一致，因此该权利要求得不到说明书的支持。